

## The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
NOE LUJANO BENITEZ,  
Defendant.

| NO. CR13-5401 BHS

## **FINAL ORDER OF FORFEITURE**

THIS MATTER comes before the Court on motion of the United States for entry of a Final Order of Forfeiture with respect to the following assets:

- (a) .38 caliber ammunition, seized from the residence of Noe Lujano Benitez on April 25, 2013.<sup>1</sup>

On March 24, 2014, this Court entered Preliminary Orders of Forfeiture, Docket Entry No. 45, in the above-captioned case forfeiting defendant Noe Lujano Benitez's interest in the above described property.

The above-referenced property is subject to forfeiture pursuant to Title 21, United States Code, Section 853, and Title 18, United States Code, Section 924(d)(1) by

<sup>1</sup> The “Bryco 38,” .380 auto handgun with serial number 993918, listed in the Indictment, Docket Entry No. 10, was administratively forfeited on October 29, 2013. The \$22,612.00, listed in the Preliminary Order of Forfeiture, Docket Entry No. 45, was administratively forfeited on March 18, 2014.

1 Title 28, United States Code, Section 2461(c), based on Noe Lujano Benitez's guilty plea  
 2 to Conspiracy to Distribute 50 Grams or More of a Mixture of Substance Containing  
 3 Methamphetamine and 100 Grams or More of a Mixture or Substance Containing Heroin,  
 4 as charged in Count 1 of the Indictment, Docket Entry No. 10, in violation of Title 21,  
 5 United States Code, Sections 841(a)(1), 841(b)(1)(B), and 846, Felon in Possession of a  
 6 Firearm, as charged in Count 5 of the Indictment, in violation of Title 18, United States  
 7 Code, Sections 922(g)(1) and 924(a)(2), and his agreement to forfeit the above described  
 8 property.

9 Pursuant to Title 21, United States Code, Section 853(n), the United States  
 10 published notice on an official government forfeiture website, currently  
 11 [www.forfeiture.gov](http://www.forfeiture.gov) for thirty (30) days beginning March 26, 2014. In the publication the  
 12 United States published notice of the Preliminary Order of Forfeiture and the intent of the  
 13 United States to dispose of the property in accordance with law. This notice further  
 14 stated that any person other than the defendant having or claiming an interest in the  
 15 property was required to file a petition with the Court within sixty (60) days of the first  
 16 date of publication, setting forth the nature of the petitioner's right, title, and interest in  
 17 the property.

18 On or about April 9, 2014, a copy of the Preliminary Order of Forfeiture in the  
 19 above-captioned criminal case was sent to Priscilla Larrienaga via Certified Mail, Return  
 20 Receipt Requested, Article Number 7013 2630 0002 3490 1984, through the U.S. Postal  
 21 Service. The certified mail was returned to the United States as, "UNLCAIMED.  
 22 UNABLE TO FORWARD." See Certified Letter to Priscilla Larrienaga, **Exhibit A**. A  
 23 copy of the Preliminary Order of Forfeiture was subsequently mailed to Ms. Larrienaga  
 24 on July 21, 2014, via first class mail, through the U.S. Postal Service, and it was not  
 25 returned.

26 All persons and entities believed to have an interest in the property subject to  
 27 forfeiture were given proper notice of the intended forfeiture.  
 28

1 No other petitioners have come forward to assert an interest in the forfeited  
2 property, and the time for doing so has expired.

3 Accordingly, IT IS ORDERED, ADJUDGED and DECREED that the following  
4 property is hereby fully and finally condemned and forfeited to the United States in its  
5 entirety:

6 (a) .38 caliber ammunition, seized from the residence of Noe Lujano Benitez  
7 on April 25, 2013.

8 IT IS FURTHER ORDERED, ADJUDGED and DECREED that no right, title, or  
9 interest in the above-described property shall exist in any other party. The United States  
10 Marshals Service is authorized to dispose of the above-listed property in accordance with  
11 the law.

12 DATED this 27<sup>th</sup> day of October, 2014.

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19 BENJAMIN H. SETTLE  
20 Presented by:  
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s/ Matthew H. Thomas  
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